

REMARKS

Claims 9-24 are pending in this application. By this Amendment, claim 24 is added.

Claims 17-23 were withdrawn from consideration because, as alleged, claims 17-23 are directed toward a distinct species and because the invention has been constructively elected by original presentation for prosecution on the merits.

Applicants first traverse the Examiner's statement that the species are distinct, thus placing an undue burden on the Examiner to examine both species because the Examiner has yet to set forth grounds as to why undue burden is being placed on the Examiner to review both species. Applicants assert that simply stating that the species are distinct fails to set forth grounds as to why an undue burden is being placed on the Examiner to review both species.

Secondly, Applicants have not constructively elected, by original presentation for prosecution, a particular species. In fact, the independent claims previously filed were directed toward both species. As such, Applicants assert that they have not elected, based on the prosecution, a particular species and have been prosecuting both embodiments throughout prosecution. It is thus respectfully requested that both species be examined.

Prompt and favorable examination is respectfully requested.

Respectfully submitted,


James A. Oliff
Registration No. 27,075

Scott M. Schulte
Registration No. 44,325

JAO:SMS/sxb
Date: May 7, 2003
OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

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